

In The United States District Court
For The District Of Delaware

James W. Riley,
Plaintiff,

v.

Stanley Taylor, et al.,
Defendants

Civ. No. 06-001-GMS

20
Served

2006 AUG 31 PM 2:51

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Plaintiff's Response To Defendants
CMS' And Maloney's Frivolous
Motion To Revoke Plaintiff's In
Forma Pauperis Status

Now Comes The plaintiff James W. Riley who respectfully request That This Court To deny defendants Motion To Revoke plaintiff's In Forma Pauperis status (IFP). The defendants request plaintiff's IFP status be revoked pursuant to 28 U.S.C. § 1915 (g) because he had Three (3) previous civil Actions (lawsuits) dismissed by The district Court As Frivolous.

Defendants rely on Cases 1:05-cv-00878 - GMS which is pending on appeal in The Third Circuit Court ; 1:01-cv-00695-JFF ; And 1:00-cv-00366-JFF which is not A lawsuit, but rather plaintiff Filed A Petition To Impose A Moratorium On Capital Punishment In The State Of Delaware, in which The

Court designated as a Petition For writ of Habeas Corpus.

Thus case 1:00-cv-00366 don't qualify under § 1915 (g). And since the district court's § 1915 (g) screening process in the case at bar was conducted on March 9, 2006, 22-days prior to the screening in 1:05-cv-00878 on March 30, 2006 (see I.D.#7 entry to Exhibit-1 to defendants' Motion To Revoke I.F.P), Thus it will be against the policy of § 1915 (g) to apply the rule retrospectively or retroactively.

Therefore, the defendants' motion to Revoke plaintiff's IFP status should be denied by this court as itself Frivolous.

James Riley

Del.A. Corr. Ctr.

1181 Paddock Rd.

Smyrna, Del.A. 19977

DATE: Aug. 24, 2006

Certificate of Service

I, James Riley, hereby certify that I have served a true and correct cop(ies) of the attached: Plaintiff's Response To Defendants' Motion To Revoke IFP upon the following parties/person (s):

TO: Kevin J. Connors
1220 W. Market St.
SM, FL, P.O. Box 8888
Wilmington, Delaware
19899-8888

TO: _____

TO: Ophelia M. Waters
Deputy Attorney Attorney
Department of Justice
820 N. French St.
Wilm., Delaware 19801

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 28 day of August James Riley ~~2006~~

Aug. 28, 2006

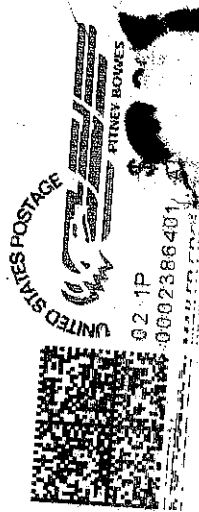
1M James Riley

SBI# 169716 UNIT MCU Bldg. 21

DELAWARE CORRECTIONAL CENTER

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